IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WA.No. 1806 of 2007

(AGAINST THE JUDGMENT IN W.P.(C) No. 27315 OF 2006 DATED 01.02.2007)

APPELLANTS/ RESPONDENTS 1 TO 5:
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1. STATE OF KERALA,
   REP. BY SECRETARY,
   DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER,
   CIVIL SUPPLIES,
   COMMISSIONERATE OF CIVIL SUPPLIES,
   PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
   TRICHUR.

4. THE DISTRICT SUPPLY OFFICER,
   TRICHUR.

5. THE TALUK SUPPLY OFFICER,
   TRICHUR.

BY GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

RESPONDENTS/PETITIONER & RESPONDENT No. 6 IN WP(C):
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1. T.A. JOSE & COMPANY,
   AWD NO.III AND IV,
   MUNDOOR, TRICHUR,
   REP. BY ITS MANAGING PARTNER.

2. THRISSUR TALUK RATION DEALERS
   CO-OPERATIVE SOCIETY LTD.NO.1042, XXVI/852,
   REGIONAL BUILDING,
   PALAKKAL ANGADI, THRISSUR.

BY ADV. SRI.K.I.MAYANKUTTY MATHER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1806 OF 2007

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Dated this the 4th October, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the orders passed by the learned single Judge in W.P.(C) No. 27315 of 2006 dated 1st February, 2007.

2. The petitioner in the Writ Petition/1st respondent herein is a licensee for the wholesale distribution of rationed food grains. He was granted the wholesale ration dealer's license by the competent authority. The action of that authority was questioned by the 6th respondent in the Writ Petition before the Commissioner of Civil Supplies. The Commissioner of Civil Supplies, by exercising his powers, had cancelled the wholesale ration dealer's license, that was granted to the petitioner. Aggrieved by the said order, the petitioner in the Writ Petition had carried the matter before the State Government by filing a revision petition. Along with the revision petition, a stay application was also filed by the petitioner in the Writ Petition. Since the State Government did not pass any orders, either on the stay application filed by the petitioner or on the merits of the revision petition, the petitioner in the Writ Petition was constrained to approach this Court. This Court, by its order dated 1st February, 2007 has disposed of the Writ Petition. While disposing of the Writ Petition, the learned single Judge has issued the following directions:

> *"I make it clear that revision should not be heard by any officer below the rank of the Civil Supplies Commissioner, because in another case, this Court noticed that a Subordinate Officer*

passed the revisional order against the order of the Officer of a Commissioner's rank. There will also be direction to the respondents to permit the petitioner to conduct the business until orders are passed on petitioner's revision or stay application by the 1st respondent."

3. Aggrieved by the aforesaid order passed by the learned single Judge, the State is before us in this appeal.

4. During the pendency of this Writ Appeal, the competent person, who was directed to consider and decide the revision petition has already heard the petitioner and the 6th respondent in the Writ Petition. In view of this development, in our opinion, for the present, we need not to interfere with the orders passed by the learned single Judge . But we make it clear that the orders passed by the learned single Judge should not be treated as a precedent in any other case. The competent person, who heard the petitioner and the 6th respondent will pass appropriate orders within a reasonable time, at any rate, within a period of one month from today.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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